



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

7 AUG 2003

Mr. Roderick L. Bremby, Secretary
Kansas Department of Health & Environment
Office of the Secretary
1000 SW Jackson, Suite 540
Topeka, Kansas 66612-1368

Dear Mr. Bremby:

Re: Smoky Hill-Saline/Solomon/Upper Republican Basin TMDLs

This letter is in response to the Kansas submissions dated July 3, 2003, in which 12 Total Maximum Daily Load (TMDL) documents, constituting 18 TMDLS, for waterbodies located in the Smoky Hill-Saline, Solomon and Upper Republican Basins have been submitted for approval by the U.S. Environmental Protection Agency (EPA). In addition to fulfilling the Clean Water Act statutory requirement to develop TMDLs for those waters listed on a state's §303(d) list, this submission was made pursuant to Paragraph 7 of the Consent Decree entered on April 13, 1998.

EPA has completed its review of these TMDL documents, and by this letter, EPA approves the 18 TMDLs submitted. Enclosed with this letter are Region 7 TMDL Review Forms which summarize the rationale for EPA's approval of each of these **18** TMDLS. EPA believes the separate elements of the TMDLs described in the enclosed forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety.

EPA is currently engaged in consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service regarding these TMDLS. While EPA is approving these TMDLs at the present time, EPA may decide that changes to the TMDLs are warranted based upon the results of the consultation when it is completed.

EPA notes that along with the submission of TMDLs for the Basins identified above, the Kansas submission letter also addresses waters for which the State believes TMDLs are not required due to non-existent or insufficient water quality standards (WQS) coverage, further analyses, and/or legislative actions in regards to Kansas WQS Statutes. For those waters in which Kansas believes TMDLs are no longer necessary, the State has the opportunity to use the next §303(d) listing process in April 2004, as appropriate, for de-listing those waters which were listed incorrectly, are no longer impaired, or do not violate applicable State WQS regulations.

EPA commends the State of Kansas on its efforts to submit these TMDLs for the Smoky Hill-Saline, Solomon and Upper Republican Basins ahead of the schedule set in the Consent Decree. EPA appreciates the thoughtful effort that Kansas has put into these TMDLs and will continue to cooperate with and assist, as appropriate, in future efforts by Kansas to develop TMDLS.

Sincerely,

A handwritten signature in black ink, appearing to read "Leo J. Alderman", with a long horizontal flourish extending to the right.

Leo J. Alderman
Director

Water, Wetlands, and Pesticides Division

Enclosures

cc: Tom Stiles, KDHE, Topeka, KS
John Simpson, KNRC, Inc., Kansas City, MO